House of Commons Debates

SIXTH SESSION—SEVENTH PARLIAMENT

SPEECH

OF

SIR ADOLPHE CARON, M.P.

ON THE

REMEDIAL BILL

OTTAWA, WEDNESDAY, 4TH MARCH, 1896.

Sir ADOLPHE CARON. Mr. Speaker, I was somewhat unfortunate last night, after the leader of the Opposition took his seat, in not catching your eye. The hon. member for West York (Mr. Wallace) rose in my stead, and spoke in my stead; but, Sir, I can say that that hon. gentleman did not make the speech which I wished to make yesterday, and which I shall try to make today. Since I have been in public life I have endeavoured to consider all questions such as the present one, independent of any consideration of race, of any consideration of nationality, of any consideration of province. I must say at the outset that I deplore that a question such as this should have come before the Parliament of Canada. I deplore it because, among some of the people of our country, it has created division and it has created irritation, which are never favourable to the political health of any country. But, Sir, I believe that at all hazards the constitution must be maintained, and it is from that point of view that I desire to consider this question. In my own native province, upon questions like the present one, and occasions now historic, I have had to face fierce fights, but there again, without considering whether these questions affected me prejudicially as a public man, not considering whether the sentiments of my people were enlisted in defence of the view which I had taken, I treated those questions as matters affecting not one nationality, not one province, but I considered them from the broad standpoint of the general interests of the Dominion. Now, Mr. Speaker, I look upon this question as a purely constitutional one. Although I know that religious views and ideas are involved in it more or less, I want to consider it in this Parliament, the national assembly of the Dominion, peopled by the representatives of so many different races—I say that on the floor of this Parliament, this question should be viewed from the constitutional standpoint, and in the light of the general interests of all our people. In the interest of the country, in the interest of the party which is concerned, it is better that it should be tried as a constitutional question, separated as much as possible from the irritating elements which unfortunately accompany it. Sir, as I view the question, it resolves itself into this: The highest tribunal in the Empire has declared that rights have been taken away from a minority; and that minority, under the laws which govern this country, the constitution under which this country began its career has appealed to the highest tribunal in the British Empire; and that tribunal, outside our strife, ignoring all questions of nationality or of province, viewing it as that tribunal does all great questions coming from every portion of the vast Empire to be submitted to its impartial judgment the judges of that high tribunal, the last tribunal to which a British subject can appeal, declared that rights had been taken away from the minority of Manitoba. Sir, I shall have occasion to refer later to the circumstances under which a clause for the protection of minorities, happens to be in the British North America Act; and under that clause I say it became the imperative duty of the Government, under the judgment rendered by the Privy Council, to hear the appeal of that minority, coming before them for redress. Now, this appeal having been heard, the Government of Canada proceeded to apply the remedy which the constitution afforded to the minority. Sir, hon. gentle-

men on the other side have spoken of drastic measures being taken by this Government in relation to this matter; but I hope to be able to show before I resume my seat, that every thing that could be done by this Government to induce the Manitoba legislature to take into its own hands the application of that remedy, was done by this Government. I hope also before I resume my seat to be able to show by an analysis of the Orders in Council which were passed, that if to-day we have before this Parliament a debate the most important and the most momentous which has ever been heard within the walls of this House since confederation, it is because the legislature of Manitoba would not harken to the voice of those of her citizens, within her jurisdiction, who were asking her to remedy the evils from which they were suffering, and to restore to them the rights which the Privy Council of England had declared should not have been taken away from them. Sir, we proceeded so far that hon. gentlemen opposite and an important portion of the people of Canada reproached the Government for not using its power to settle before this day the Manitoba question, which, as I have already stated, was creating so much irritation, and is creating so much irritation at the present time. We were accused of delaying the solution of that question. We avoided everything that could interfere with the autonomy of the province, because I believe that the man who would knowingly touch the autonomy of any of the great provinces composing this confederation, would not feel a patriotic heart within his breast; and I would be the last to do so, and I would fight for delay, and would put up with any measure of tardiness, so as to be able to avoid the exercise of a jurisdiction which is given, under the British North America Act, to the Federal Government, but which is to be exercised only when every other means have failed. And I say that, if to-day that power is not exercised, it is because, after trying every means and attempting a solution by every possible method, we found it impossible to induce the province of Manitoba to accede to what I consider and what I believe can be easily established, is the right of the minority. But, Sir, we are told by the press in some instances, and by hon. gentlemen opposite on some occasions, that we should not disturb the peace and harmony of that province for the sake of a very small minority, a minority much smaller, of course, to-day than it was when the province became a part and parcel of confederation, small because other elements have been introduced into that province, and the majority disturbed. Instead of there being a French majority, as was the case at that period, other elements having been brought in subsequent to the first settlers, we find to-day the argument used, that it is a very small minority in that country for which to bring about the disturbance and trouble prevailing at the present moment. But I hold, that the smaller the minority, the greater is the duty of this Parliament, the natural protector of minorities, the power that stands independent between every province and every element composing the province, to stand forward and protect the minority.

Mr. Speaker, I venture to express the opinion, that, unless minorities can be convinced that the constitution which prevails in Canada will be applied fairly, and will protect them in their rights, confederation does not meet the necessities which it was intended to supply. I venture the opinion, that it is incomplete, and that it may wreck the institutions under which we live. Sir, speaking, as I do, as a French-Canadian, proud of my origin and proud of my native province, I say I would stand up in the old province of Quebec and fight, if any attempt were made to interfere with the rights of the Protestant minority of that province. I would do so, because with me it is not a question of what religion the minority belongs to, but it is with me a constitutional duty that we owe to those minorities, which, when they surrendered at confederation their own autonomy to form part of a larger union, relied on the good faith of that British North America Act, which was expounded to us so eloquently yesterday by one of the fathers of confederation, the Secretary of State, the leader of the Government in this House. If the minority in Quebec were interfered with, I would stand up with the same energy for the defence of their rights as I stand up to-day to protect the minority in the province of Manitoba.

Viewing this question upon its merits, I desire to express the opinion, that I agree altogether with the majority of the province of Quebec, who think we cannot make too many concessions to our friends who are a minority there, not speaking the language we speak, not going to the same church as we attend; but I consider that in the province of Quebec the different sections of the people are willing, in fact, it has been a rule which obtained long before the law included it in the Confederation Act, that we should concede to the minority the rights we enjoy ourselves. We have done it; and what is the result? The result is, that, to-day, this question which might, and does in other sections of the country, divide men belonging to different nationalities and churches, the Protestants and Catholics of Quebec view in the same light, and have come to the same conclusion upon it, that protection for the minority in Manitoba is a right which interests the Protestant minority of Quebec to the same extent as it interests the minority in the province of Manitoba.

Sir, when confederation was carried out, when the Protestants of the province of

Quebec stated what they wanted in that old province, a certain number of counties to be set aside to be represented by the minority, what was the answer of the majority? The majority never discussed for one moment whether it was asking too much on the part of the Protestants to make that demand, but the only question discussed by those who took part in the framing of that important measure, was this: We do not wish to refuse anything to the Protestant minority, but we should like them to represent those constituencies without our appearing to be forced to make the concession by law; their rights will be respected, they are perfectly safe in our hands, but our only objection is, that it may appear we made this concession by the compulsion of law, instead of doing it willingly, as we are prepared to do. But, Sir, it was not only in relation to these constituencies that this concession was made. Long previous to confederation, the Protestant minority in Quebec, in so far as education is concerned, enjoyed all the rights and privileges which the Catholic minority, by law, enjoyed in the province of Ontario. Not only that, but outside of any constitutional enactment, and outside of any legislative act, when the Protestant minority came to us, and stated that they were desirous that there should be set aside in the common jails of the country special apartments for the women belonging to their own religion, the concession was granted without a moment's hesitation. So it was with the asylums, and so it was with many other privileges given the Protestant minority, which we were not by any means bound to grant by legislative enactment, but which we were prepared to give of our own volition, so as to obtain that priceless boon which we enjoy in the province of Quebec, namely, peace, harmony, and good-will among all the people. I have already stated, Sir, that long before the constitution decreed that the Protestant minority of Quebec should have their own schools and enjoy the same privileges that had been conferred by law on the Catholic minority of Ontario, our fellow-Protestant fellow-subjects in Quebec never had for a moment to dread the least intervention on the part of the Catholics. And, Sir, I am glad to say that not only in the province of Quebec, but in other provinces, there are men belonging to the Protestant Church who view the matter from the same standpoint as we do. I believe that liberal and generous expressions of opinion cannot be too widely circulated when they come from men known to belong to a different church from the one for which they speak, and I shall therefore read to the House a letter addressed by Mr. Carnegie, an ex-M.P.P. of Ontario, to Sir Mackenzie Bowell. Mr. Carnegie says:

Dear Sir Mackenzie Bowell:

While, as I fancy you are aware, I entertain very strong views in opposition to separate schools, disapproved and still disapprove of the then Government's failure to disallow the Jesuit Bill, joined heartily in the equal rights movement, until it was virtually strangled by its leader, and still approve of the principles which it was formed to maintain, and above all, endorse with all my heart, Meredith's position on the school question; yet, after reading the report leading up to, and the order just passed by the Governor General in Council with reference to the Manitoba school question, I think you will be glad to learn that I heartily approve of your course in this matter. Indeed, I do not see how you or your colleagues could have done otherwise. To my mind, it is not so far as you are concerned, a question of separate schools or no separate schools, but one of obedience or non-obedience to the Confederation Act. If we do not like its terms and conditions, as I do not in this respect, let us appeal to the enacters of it for the amendment we desire; but do not let us override and defy its provisions. Wishing you a long lease of life, &c.

Your old and sincere friend,

(Sd.) JOHN CARNEGIE.

There is another letter, Mr. Speaker, addressed to Sir Donald A. Smith by the Rev. Mr. Campbell, of Montreal, which I shall take the liberty of reading to the House:

General Assembly, Presbyterian Chuch in Canada.

Dear Sir Donald A. Smith:

Will you allow me as a citizen to thank you for the very interesting and important historical statement which you gave to the public last week, in response to the requisition presented to you. What you divulge as to the negotiations with the people of the Red River settlement, prior to their acceptance of the terms accompanying their entrance into confederation, to my mind, ought to have much weight in contributing to a solution of the present vexed problem affecting Manitoba. I hope that due regard will be had to the noble sentiment of the 15th Psalm, as to changing not though one sweareth to his own hurt. The good faith of our Sovereign, and of the sovereignty of the people of Canada, whom you represented in the transaction, must be respected even though it entails inconvenient consequences to do so. What you suggest, even as to the limitations of the pledges given, may help to an equitable settlement of the present difficulty. At all events, in view of your statement in this connection, I hope our Protestant friends throughout the Dominion will try and view the matter calmly and consider how it would affect them, had the destinies of a new province been different from what they have proved to be and been in the hands of a large Roman Catholic majority which proceeded to alter the status accorded to the Protestants equally with the Catholics in your negotiations in 1870. As a citizen of this province, I feel that we of the minority are handsomely treated in educational matters by the majority, and I could wish that my co-religionists in the provinces in which they predominate should not be outdone in generosity by their French-Canadian fellow-citizens.

Ever yours faithfully,

(Sd.) ROBERT CAMPBELL.

To the Hon. Sir Donald A. Smith, K.C.M.G., M.P.

Sir DONALD A. SMITH. That letter was written to me last year.

Sir ADOLPHE CARON. That letter, Mr. Speaker, was written just a year ago, as Sir Donald Smith informs me. Now, Sir, these are considerations which I venture to say should have the greatest possible weight with a Parliament such as ours. This country is divided into two parties, and will be, and I for one believe that the form of government which we have here is the best possible one. But, let us not forget that if, for the sake of party advantage, any political party should divide the people by any question which can be avoided, the result would be detrimental in the extreme to the future, to the greatness, and to the development of Canada. Sir, the idea which permeated the whole of the Confederation Act, as I understand it, was protection to the minority, and the intention of the statesmen who took part in the building of that legislative monument was to give to every class of the population the fullest possible enjoyment of religious liberty.

At confederation that was evidently what was intended to be done in Manitoba, as we may see by the words of the late lamented great leader of the Conservative party, Sir John A. Macdonald. When applied to by a member of the legislative assembly of that province to express his opinion as to the laws relating to education in 1889, when the new education law abolishing separate schools was before the legislative assembly, Sir John Macdonald wrote the following letter, which explains itself :

> You ask me for advice as to the course you should take upon the vexed question of separate schools in your province. There is, it seems to me, but one course open to you. By the Manitoba Act, the provisions of the British North America Act, section 93, respecting laws passed for the protection of minorities in educational matters, are made applicable to Manitoba, and cannot be changed, whereby the Imperial Act confirming the establishment of the new provinces, 34 and 35 Victoria, chapter 8, section 6, it is provided that it shall not be competent for the Parliament of Canada to alter the provisions of the Manitoba Act in so far as it relates to the province of Manitoba. Obviously, therefore, the separate school system in Manitoba is beyond the reach of the legislature or of the Dominion Parliament.

Although I fear to take up too much of the time of the House, still, I think it is important, in the discussion of a question like the present, to place before Parliament and before the country the views entertained by the leading public men of Canada. Those who remember or who have read in the political history of this country of the troublesome times which existed in Canada previous to confederation, know that the people of the provinces were divided on religious questions ; and it seems to me that we should by every possible means avoid going back to the same questions, and possibly causing a return of those old troubles which we thought had disappeared. Among some of the most distinguished statesmen and political leaders in this country, who afterwards educated public opinion upon these questions, Sir Oliver Mowat and the Hon. Alexander Mackenzie fought fiercely against separate schools for a time ; but after the fight had been fought, and the benefits of the new system had been realized by experience, those men were the last who would advocate going back to the system which obtained previous to confederation. It is right, I think, to recall to the memory of hon. gentlemen what took place in the legislature of Quebec before the union. The Protestants of Lower Canada had by practice, although not by law, the full control of their schools, and of every question affecting the education of their children in that province ; and, although, as history proves, they never had to complain of the manner in which they were treated by the Catholics, yet, when confederation was carried, and when it became necessary to prepare the Confederation Act, the Protestants insisted upon their rights and privileges being protected by a clause in the Confederation Act. At that time it seemed useless to insert such a clause, because they had always enjoyed, undisturbed, the same rights as the Catholic minority enjoyed in the province of Ontario. Still, they insisted on a clause being inserted, and it was in London that Sir Alexander Galt had inserted in the Confederation Act the very clause which to-day gives the minority in the province of Quebec the right of appeal to the Privy Council. I have heard it questioned during this debate whether the rights of the minority in the province of Quebec could be interfered with as the rights of the minority in the province of Manitoba are interfered with at present, or whether it was not ultra vires of the legislature of Quebec to pass a law that would change the status now enjoyed by the Protestant minority in that province. I cannot see that there can be a doubt on that point. I cannot see that there can be a doubt that to-morrow the legislature of Quebec could pass a law appointing Catholic inspectors, for instance, or imposing on the minority a selection of school books which they might not find acceptable. I am supposing a case ; but I am quite sure that it is a case that can never happen in the province of Quebec. But what would be the remedy of the minority ? Their remedy would be, under that clause of the Confederation Act, to come to the Governor in Council and ask the Governor in Council to hear their appeal ; and it would be for the Governor in Council, after hearing that appeal, to pass whatever remedial order the Governor in Council should deem necessary. Now, Sir, however old the history may be, it is of advantage to turn back its pages and see how far they may throw light upon questions of this kind. Some hundred years ago, when the Quebec Act was under discussion in the British Parliament, there were then in that old British

Parliament, from which we draw our parliamentary precedents, men whose descendants still live in Canada, who wished to crush the new subjects of His Majesty the King. But there were other men who, casting a prophetic eye upon the future of the British Empire, considering the question, not from the standpoint of might, but from the standpoint of right, replied to those who were trying to crush the new subjects of His Majesty : We may have the might, but we have not got the right; and the Quebec Act was passed. It was passed just a year before the war of 1812, and I do not think it can be denied by anybody that if it had not been for the loyalty of the French Canadians of that period, the Crown of England would not be able to boast to-day of having the Dominion of Canada as a portion of its great Empire. It was through the loyalty of the French people—those people who have shown their loyalty on every occasion—that Canada was preserved to the Crown of England. And, Sir, it seems to me that when, at this moment, men whose work I approve of and admire, are banded together to strengthen the union and tighten the bonds which connect the different component parts of the British Empire, those men who take an interest in Imperial federation, might, I think, look back to that period of history which I have cited and reason, as did the men of that day : if we have the might, we have not the right, and shall therefore make the concessions to which the minority are entitled. You have the power, but you have not the right, and that is a point which I consider should not be forgotten when we are discussing this matter.

Coming to another branch of the subject, I want to show how the school question stands, and I must here apologize to the House for having to read a document which is rather long, and which I was at considerable labour to compile, in order to make my review of the question as concise as possible, for I wish it to go in "Hansard." In discussing this question I desire to put concisely and clearly before the House the reasons why I believe the Government is right in the course which it has followed. I start, first, with the motion moved by Mr. Blake, and seconded by the hon. leader of the Opposition. At that period, in 1890, Mr. Blake, one of the most eminent men who has ever occupied a seat in Parliament, seeing the school question loom in the distance and believing, as a true patriot, that it should be removed from the political arena moved the motion to which I have referred. He felt that this question would create trouble, and prevent the country from developing peaceably and quietly as it should, and he wanted to remove it from the political arena and leave it to the impartial decision of the tribunal of justice. Sir, by that motion, he proposed to refer to the high tribunals important questions of law or fact in matters of education, in order to ascertain whether the power of disallowance could be exercised by the executive. And, as this House knows, his proposal was carried unanimously. Now, as I view it, the policy of the Government with regard to the Manitoba school question, has been directly in accord with the ideas which led to the unanimous acceptance of Mr. Blake's motion by the House of Commons. We have taken the matter from court to court, we have desired by all possible means to avoid its coming before Parliament ; and in the last resort we had the decision of the Judicial Committee of the Privy Council. And it was only after we obtained that decision that we acted, as I intend to show by the record which I propose to submit to the House :

Manitoba was created a province by the Act of Canada, commonly known as the "Manitoba Act, 1870," (33 Vic. ch. 3). This Act was confirmed by a statute of the United Kingdom (34 Vic., chap. 28). The Manitoba Act provided that after a date named the provisions of the British North America Act, 1867, shall, except those parts thereof which are in terms made or by reasonable intendment, may be held to be specially applicable to, or only to affect one or more, but not the whole of the provinces now composing the Dominion, and except so far as the same may be varied by this Act, to be applicable to the province of Manitoba, in the same way and to the like extent as they apply to the several provinces of Canada, and as if the province of Manitoba had been one of the provinces originally united by this Act.

Provisions are made by the 93rd section of the British North America Act, 1867, and the 22nd section of the Manitoba Act, 1870, for an appeal to the Governor General in Council from Acts of the legislative assembly affecting the rights and privileges aforesaid.

Section 93 of the British North America Act, 1867, provides that "in and for each province the legislature may exclusively make laws in relation to education, subject in accordance to the following provisions :—

1. That they shall not affect any rights or privileges with respect to denominational schools.

2. The privileges and rights granted Catholics in Upper Canada are granted to Protestants in Lower Canada.

3. An appeal shall lie to the Governor General in Council from any Act or decision of any provincial authority affecting the rights of any Protestant or Catholic minority in any province, where a system of separate schools exists at the union, or is thereafter established.

4. The Parliament of Canada may make remedial laws where the provincial authorities fail to do so.

In 1871 the Manitoba legislature, at its first session, passed "An Act to establish a system of education in this province."

By this Act, a board of education was formed, composed of one-half Catholics and one-half Protestants ; also one superintendent of Protestant schools and one of Catholic schools, who were joint secretaries of the board. The duties of this board were :—1. To make regulations for the general organization of common schools. 2. To select books to be used in the schools. 3. With sanction of the Lieutenant-Governor in Council to alter and sub-divide any school district established by Act. The general board is divided into two sections, and among the duties of each section are the following :—Control and

management of discipline in school. To make rules for examination, grading and licensing of teachers and for withdrawal of licenses on sufficient cause. It shall prescribe books as have reference to religion and morals. Section 13 of the Act divides money appropriated by legislature between Catholics and Protestants. The said statute is amended from time to time, but the system prevailed until 1890. The only substantial amendment was in 1875, when the board was increased to 21, 12 Protestants and 9 Catholics, and the moneys voted were to be divided in proportion to the number of children of school age in the respective Protestant and Catholic districts. The denominational distinction between the Catholics and Protestants, and the independent working of the two sections became more and more pronounced under the different statutes afterwards passed. Section 27 of the Act of 1875, c. 27, allows the establishment of schools of one denomination in the school districts of another denomination. The same principle is carried out and somewhat extended by sections 39, 40 and 41 of the Act of 1876, c. 1. In 1877, by c. 12, s. 10, it was enacted that in "no case a Protestant ratepayer shall be obliged to pay for the Catholic school, and a Catholic taxpayer for the Protestant school. It is manifest from all this that until the Act of 1890, the school system created by the legislature of Manitoba under the provisions of the constitutional Act, was entirely based and carried on on denominational principles as divided between Protestant and Catholic schools. In 1890 Manitoba passed certain Acts, viz. :— chapters 37 and 38 of 53 Vic., entitled respectively "An Act respecting the Department of Education," and "An Act respecting Public Schools," which affected very injuriously certain rights and privileges of the Roman Catholic minority in that province in relation to education acquired by them under various prior statutes of Manitoba, as well as rights and privileges possessed by them before the creation of Manitoba as one of the provinces of Canada. The first of these Acts, c. 37, abolished the Board of Education and the office of Superintendent of Education and creates a Department of Education, which is to consist of the executive council or a committee thereof, and also an advisory board composed of seven members, four appointed by Department of Education, two by teachers of province, and one by the university council.

Among the duties of advisory board is power to examine and authorize text books, &c., to determine qualifications of teachers, to appoint examiners, to prescribe the form of religious exercises to be used in schools.

The Public Schools Act, c. 38, repeals all former statutes relating to education. It also enacts as follows :—

By sections 3 all matters concerning school district appointments, agreements, contracts, assessments and rate bills are made subject to provisions of this Act.

Section 4 continues in office school trustees holding office when Act comes in force.

By section 5 all public schools are free, and in rural municipalities children between the ages of 5 and 16, and in cities, towns and villages between the ages of 6 and 16 shall have right to attend school.

By section 6 it is enacted that religious exercises shall be conducted according to regulations of advisory board, religious exercises just before closing hour. Children may be exempted from attending such exercises.

Section 7, religious exercises in public schools are entirely at the option of the school trustees for the different districts.

Section 8, the public schools shall be entirely non-sectarian, and no religious exercises shall be allowed therein, except as above provided.

This Act provides for the formation, alteration and union in rural and urban municipalities, election of school trustees, and for levying a rate on taxable property for school purposes.

Subsection 3 of section 108 is as follows :—

Any school not conducted according to all the provisions of this or any other Act in force for the time being, all the regulations of the Department of Education, or the advisory board, shall not be deemed a public school within the meaning of the law, and shall not participate in the legislative grant.

By section 143 teachers are prohibited from using unauthorized text books.

By section 179, in cases where before the coming into force of this Act, Catholic school districts have been established as in the next preceding section mentioned (that is, covering the same territory as any Protestant district), such Catholic school district shall, upon the coming into force of this Act, cease to exist and all the assets of such Catholic school districts shall belong to, and all the liability be paid by the public school district.

Under the provision of the British North America Act and the Manitoba Act, the Roman Catholic minority of Manitoba appealed to the Governor General in Council. In November, 1890, proceedings were taken to test the validity of the provincial statutes.

The form which the proceedings assumed was an application by Dr. Barrett (a Catholic ratepayer) to quash a by-law of the city of Winnipeg passed under the authority of the statutes. This application was on the 24th of November, 1890, dismissed by Mr. Justice Killam. An appeal was taken to the full court, and on the 2nd February, 1891, was dismissed, the Chief Justice and Mr. Justice Bain holding that the legislation was valid. Judge Dubuc, however, dissented.

A further appeal was taken to the Supreme Court of Canada, and on October 28th, 1891, the court (comprising five judges) unanimously held the Acts to be ultra vires.

A further appeal was taken to the Privy Council on 30th July, 1892, and judgment was given, reversing the decision of the Supreme Court and holding that the legislation was valid. A petition from the members of the Roman Catholic Church in Manitoba, dated in August, 1890, was presented to the Dominion Government, asking :

That it may be declared that such provincial law does prejudicially affect the rights and privileges with regard to denominational schools which Roman Catholics had by law or practice in the province at the time of the union.

This petition, as is well known, was dealt with by the Order in Council of 4th April, 1891, which stated that :

An appeal had been asserted, and the case is now before the Supreme Court of Canada, where it will in all probability be heard in the course of next month. If the appeal should be successful, these Acts will be annulled by judicial decision, and the Roman Catholic minority of Manitoba will receive protection and redress.

That is in the terms of the Order in Council itself. Again, there was a petition from the Roman Catholic Church in Manitoba, dated 27th September, 1892, received by the Gov-

ernment, also asking redress. That petition was signed by the Archbishop, of the Roman Catholic Church of Manitoba, which stated :

> Your petitioner believes that the time has now come for Your Excellency to consider the petitions which have been presented by and on behalf of the Roman Catholics of Manitoba for redress, under subsections 2 and 3 of section 22 of the Manitoba Act, as it has become necessary that the federal power should be resorted to for the protection of the Roman Catholic minority.

The petition of 1892 asked :

> That it may be declared that to Your Excellency the Governor General in Council, it seems requisite that the provisions of the statutes in force in the province of Manitoba prior to the passage of the said Acts, should be re-enacted in so far, at least, as may be necessary to secure to the Roman Catholics in the said province the right to build, maintain, equip, manage, conduct and support these schools in the manner provided for by the said statutes.

The petition was referred by Council to a sub-committee, which sat on the 26th November, 1892. The report of the sub-committee was submitted to Council, and incorporated in an Order in Council of 19th December, 1892, which fixed the 21st January, 1893, as the date for hearing the appeal. Of course, the history of that appeal is well known. Argument upon this appeal was heard on the 21st January, 1893. Manitoba refused to be represented at this argument, and, by Order in Council of 23rd February, 1893, the preparation of a case was advised. By Order in Council of 22nd February, 1893, it was advised that copies of a draft case be transmitted to Manitoba. By Order in Council of 8th July, 1893, it is ordered that the amended copy of the case be submitted to Manitoba. By Order in Council, 31st July, 1893, the case was referred to the Supreme Court of Canada. I would like to draw the attention of the House to this, as I consider, important feature, namely, that all these Orders in Council and proceedings that were being taken by the Federal Government, step by step, and stage by stage, were communicated, in every instance, to the Manitoba government. By Order in Council, 15th August, 1893, it is decided to notify the Attorney General and Mr. Ewart, that the case will be submitted on 3rd October next. There is no drastic character in these proceedings. Whatever information the Federal Government possessed, it considered itself bound to communicate to the provincial government of Manitoba. The Supreme Court of Canada, by a majority of members, decided against the claims of the petitioners. The Catholic bishops and archbishops of Canada sent in a joint petition in May, 1894, asking that the Act of Manitoba, 57, chap. 2, be disallowed. That is the last petition that came before us. This is a very important Order in Council to which I wish again to draw the attention of the House. By Order in Council, 26th July, 1894, the said petition was referred to the Lieutenant-Governor of Manitoba. It seems to me that the friendly intention, at least, of the Federal Government is shown by the fact, that the Order in Council and the petition itself of the bishops and archbishops and Catholics of the province of Quebec were referred to the Lieutenant-Governor of Manitoba, with the request that he lay the same before his advisers and legislators. A further petition, signed by the Catholics throughout the province of Quebec, was presented late in 1894, asking for the interference of the Federal Government. An appeal was taken to the Privy Council in England, under the title of Gerald Brophy et al., appellants, and the Attorney General of Manitoba, asking if the appeal of the Roman Catholic minority is such an appeal as is admissible by subsection 3 of section 93 of the British North America Act of 1867, or by subsection 2 of section 22 of the Manitoba Act of 1870. Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsections above referred to, or either of them ? Does the decision of the Judicial Committee of the Privy Council, in the cases of Barrett vs. the City of Winnipeg, and Logan vs. the City of Winnipeg, disposed of or concluded, the application for redress based on the contention that the rights of the Roman Catholic majority which accrued to them after the union, under the statutes of the province, have been interfered with by the statutes of 1890 complained of in the said petitions and memorials ? Does subsection 3 of section 93 of the British North America Act of 1867 apply to Manitoba ? Has His Excellency the Governor General in Council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has His Excellency the Governor General in Council any other jurisdiction in the premises ? In this case the judgment delivered on 29th January, 1895, was favourable to the minority. On the 4th, 5th and 6th of March, the appeal of the minority was argued before the Privy Council of Canada. On the 29th March, 1895, a remedial order was passed by His Excellency the Governor General in Council, and transmitted to Manitoba. On the 19th June, 1895, the Manitoba legislature refused to give effect to the remedial order, suggesting that a commission be named to inquire into the subject. On the 8th July, 1895, the leader of the House laid down the policy of the Government as being that of waiting until the month of January next to pass remedial legislation. This policy was adopted by the House on 11th July, 1895, by a vote of 82 to 116 ; and, as is well known, this session of Parliament was called for the purpose of considering remedial legislation. Now, Sir, if I have inflicted the reading of

this long document upon the House, for which I apologize again, I have done so because I felt it was right to lay before the House and the country an exact statement of the statutes regulating this question, together with the different Orders in Council and a history of the proceedings adopted by the Federal Government in their negotiations with the government of Manitoba. I have done this in order to dispel any impression that might still exist, in the minds of hon. gentlemen, that the Government of Canada meant to adopt drastic measures, which, in their nature, could have produced, on the part of the government of Manitoba a feeling of dissatisfaction, or that it meant to injure in any way the feelings of the majority of that province. That would have been a fatal mistake, Mr. Speaker, and I think the record will show, when it is examined, that the proceedings adopted by the Federal Government were such that any such impression, if it exists, must be dispelled. This question has been before the country for a very long time. It is impossible, in the face of the facts, to state that the Government of Canada have been hasty in the measures which they have adopted in relation to this very important question. It has been before the people of Canada one way or the other since 1890. I was under the impression that it was but fair that everything should be attempted to prevent the autonomy of the province of Manitoba being interfered with by the exercise of the federal authority of a jurisdiction which is undoubtedly committed to it by the British North America Act. My statement, I can guarantee, is absolutely correct, it having been taken from official records which have been consulted and copied in very many instances, as can easily be seen by the document itself, and which have enabled me to submit what I consider to be an absolutely reliable historical account of the legislation upon this question, and also the measures adopted by the Federal Government to deal with it in relation to the government of Manitoba. I will now take up another branch of the subject.

It being Six o'clock, the Speaker left the Chair.

After Recess.

Sir ADOLPHE CARON. Mr. Speaker, before recess I stated that I desired to address myself to another branch of the subject. I wish to put upon record the utterances of some of those who took the most prominent part in building up this confederation, and my object in doing so is to show that at that period of the history of the country those men were striving to build up from provinces, separated from each other as they were, which constituted this northern half of the American continent, a confederation, vast in its extent, whose aspirations would be greater than could be the aspirations of the various colonies belonging to England, and enjoying absolute separate government I wish to put upon record the utterances of men whose names have remained in the history of Canada a legacy to those who have followed them, and whose example I hope will be followed by those who now strive, as they strove, to increase the prosperity and power of Canada. One name, and the first on the list, is that of Hon. Mr. Holton. Although a very much younger man than Mr. Holton, I had the honour and privilege of counting him among my friends, and although we sat on different sides of the House, I have on more than one occasion, as a young man entering Parliament, enjoyed the advantage of his advice, and I say among those who helped to build up confederation no name is worthier of being remembered than that of Hon. Mr. Holton. Mr. Holton, as will be found in the debates of confederation, said at that time :

My object in doing that was to show what were the opinions of these men as to the rights of minorities, and also upon the educational question which at that period, as we know, was a most disturbing element.

Mr. Holton said :

It may not be appropriate by the House generally, especially by the members from Upper Canada, but the hon. gentleman (Mr. Galt) knows well the importance of it.

Speaking on the question of education, he said :

And that the English Protestants of Lower Canada desire to know what is to be done in this matter of education before the final voice of the people of this country is pronounced upon the question of confederations.

Hon. John S. Macdonald said :

I want to know what they are going to do for the Catholic minority of Upper Canada.

Sir George Cartier, then Mr. Cartier, said :

A measure which would have for its effect to give strong central, or local government, which would at once secure and guard the person, the property, and the civil and religious rights, belonging to the population of each section.

Mr. Haultain, one of the strongest champions of the Protestant views of the period, said :

I heard decided objections to this scheme from certain sections of the Protestant minority of Lower Canada. They say it will place them at the mercy of the French-Canadians. I am compelled to say that there is no part of the scheme that I feel more doubt about than the effect it will have upon the educational and political interests of the Protestants of Lower Canada. I heard it said that it would affect in a fair and just manner the educational interests of the Protestant minority, but on the other hand I have heard gentlemen qualified say, although there has not been open hostility to the educational interests there has been a certain amount of obstruction.

Mr. George E. Cartier, replying to Mr. Webb (of Richmond and Wolfe), said :

As a Catholic and as a member of the Canadian Government, I now reiterate that when the measure for the settlement of the local government comes before the House for discussion, it will be such as to satisfy the Protestant minority of Lower Canada.

Hon. Mr. Belleau said :

The hon. member for Wellington (Hon. Mr. Sanborn) laid great stress on the danger which might be incurred by the Protestant minority in the local legislature of Lower Canada. He fears that they may not be sufficiently protected by the Catholic majority in respect of their religion, their schools and possibly their property. I heard that remark with pain ; but I can tell him, the Protestant minority of Lower Canada have nothing to fear from the Catholic majority of that province ; their religion is guaranteed by treaty, and their schools and their rights which may be connected with them, are to be settled by legislation to take place hereafter, and when that legislation is laid before the House, those members who so greatly tremble now for the rights of the Protestant minority, will have an opportunity of protecting that minority, they may then urge their reasons and insist that the Protestant shall not be placed in a position of the slightest danger.

Then, at that period of time, those who foresaw that there might be a possibility of disturbance or trouble in the local legislatures, pointed out the remedy which has been adopted by the present Government, as being the remedy that would apply for the protection of the minority :

But even granting that the Protestants were wronged by the local legislature of Lower Canada, could they not avail themselves of the protection of the federal legislature. And would not the Federal Government exercise strict surveillance over the action of the local legislatures in these matters. This would be protected by the vigilance of the Federal Government, which will never permit the minority of our portion of the confederation to be oppressed by the majority.

Now, Sir, these quotations which I have made show that the idea which permeated the minds of the men who banded together for the purpose of building up confederation, was that the minorities must be protected in so far as their religious interests were concerned, and that, if these interests were not sufficiently protected by the local legislatures, then their remedy would be to appeal before the Federal Parliament. I take great pleasure in quoting from the speech of Sir Richard Cartwright upon confederation. Of course, I need not say that this speech is remarkable for its elegance of diction, and for the views set forth.

An hon. MEMBER. Hear, hear.

Sir ADOLPHE CARON. I say so, and I think when I have read it, the hon. gentleman will agree with me.

Mr. SOMERVILLE. We agree with you now.

Sir ADOLPHE CARON. Sir Richard Cartwright made the following reference to the protection of minorities :—

All I hope is that in adjusting our new constitution, local and general, we shall not allow our minds to be warped by antiquated notions of the dangers which threaten liberty. * * * While it is true, that here as elsewhere, there are always dangers enough to retard our progress, I think that every true reformer, every real friend of liberty will agree with me in saying, that if we must erect safeguards they should be rather for the security of the individual than of the mass, and that our chiefest care must be to train the majority to respect the rights of the minority, to prevent the claims of the few from being trampled under foot by the caprice or passion of the many.

I think that the hon. gentleman (Sir Richard Cartwright) at that period in his useful career, was absolutely correct, and I take pleasure in quoting the views he expressed then, as a strong indication that the views entertained by those who believe that minorities must be protected at all hazards, are the proper views to be entertained. I quote now from the Hon. George Brown, the leader of the Reform party, who, in 1865 described the situation as it was then. I quote from the confederation debates, page 85 :

WHY UNION TOOK PLACE.

Here is a people composed of two distinct races, speaking different languages, with religious and social and municipal and educational institutions totally different. With sectional hostilities of such a character as to render government for many years well nigh impossible, and yet, Sir, here we sit patiently and temperately discussing how these great evils and hostilities can be justly and amicably swept away for ever. We are endeavouring to adjust harmoniously greater difficulties than have plunged other countries into all the horrors of civil war.

Hon. George Brown goes on to express his views as to the rights of minorities protected in perpetuity. After quoting the proposal concerning the rights and privileges which the Protestant or Catholic minority in both Canadas possessed as to their denominational schools at the time when the union would go into operation, Mr. Brown said :

I admit that from my point of view this is a blot upon the scheme before the House. It is confessedly one of concessions from our side that have to be made, to secure this great measure of reform.

But it is urged that though this arrangement might perhaps be vain as regards Upper Canada, it is not so as regards Lower Canada, for there were matters of which the British population have long complained, and some amendments to the existing School Act were required to secure them equal justice. Well, when this point was raised, gentlemen of all parties in Lower Canada at once expressed themselves prepared to treat it in a frank and conciliatory manner with a view to removing any injustice that might be shown to exist.

Mr. T. C. Wallbridge—That destroys the power of the local legislatures to legislate upon the subject.

Hon. Mr. Brown—I would like to know how much power the hon. gentleman has now to legislate upon it? Let him introduce a Bill to-day to annul the compact of 1863 and repeal all the sectarian school Acts of Upper Canada, and how many votes would he get for it?.....What has rendered prominent public men in one section utterly unpopular in the other in past years? Has it not been our views on trade and commerce? No, Sir; it was our views as to the applying of public money to local purposes—the chartering of ecclesiastical institutions, the granting of money for sectarian purposes, the interference with our school system, &c. A most happy day will it be for Canada when this Bill goes into effect and all these subjects of discord are swept from the discussion of our legislature. But, Mr. Speaker, I am further in favour of this scheme as a remedial measure, because it brings to an end the doubt that has so long hung over our position, and gives a stability to our future, in the eyes of the world, that could not otherwise have been attained.

There is a great deal in what the Hon. Mr. Brown said at that time which might be applied to the situation to-day. He admitted that the local legislatures could not annul the privilege. Mr. Brown and the assembly thus declared that a concession was made and a great principle established —that the rights of the minorities could not be interfered with by the local legislatures. In fact, a national guarantee was given. Now, Sir, I have quoted enough to show the nature of the compact—how it was approached and how it was understood and explained by those who were the fathers of confederation. What has been the position since 1867? Harmony, peace and concord. Shall we reopen an old sore? Shall we go back to chronic discord and religious strife? What I have quoted, I think, indicates that, after the troublesome times of religious strife, which had nearly ruined the prospects of Canada, a spirit of toleration and conciliation spread over Canada, and over those who had at heart the interests of the country, and they were ready to sink their differences and unite together to guarantee to the minority the rights they possessed, and they have enjoyed those rights ever since. To-day we ask that the same rights shall be granted to the minority in the province of Manitoba. Recently, in looking over some old books, it was a curious coincidence at this particular moment, that I opened an old book called a "Digest of the Synod Minutes of the Presbyterian Church of Canada," prepared by the Rev. Mr. Kemp, of the Free Church, of Montreal, in which I read the following passage, which appears in the introduction, and which I quote to show how remarkably well the Catholics and Protestants got on together in the province of Quebec in almost every period of its history:—

About the year 1790, the Presbyterians of Montreal of all denominations, both British and American, organized themselves into a church, and in the following years secured the services of the Rev. John Young. At this time they met in the Recollet Roman Catholic Church, but in the year following they erected the edifice which is now known as St. Gabriel Street Church, the oldest Protestant Church in the province. In their early minutes we find them, in acknowledgment of the kindness of the Recollet Fathers, presenting them with one box of candles and one hogshead of Spanish wine.

That indicates the state of feeling that existed in 1790, and I hope that we shall not go back on our history and show less toleration to-day.

Now, Sir, I would like to pass to another branch of the question, that is, the respective attitudes of the two great parties towards this question. When the late-lamented Sir John Thompson was leading the Government, and when he had the conduct of this vexed question, he announced in Ontario, in Quebec, in the House, and wherever he had occasion to speak, that the policy of the Government was to stand by the decision of the tribunals; and, Sir, that is the policy which has been faithfully adhered to by the present Government and by the party supporting that Government. It will be within the recollection of every hon. member, that, when the Barrett case was decided against the minority, the minority submitted, because they knew that the policy of the Government was not to import this question into the political arena, but to keep it out of that arena, and to have it decided by the tribunals, where, it was considered, all such matters should be discussed and determined.

Now, Sir, as I wish to avoid wearying the House by reading the declarations of Ministers on this subject, made in Parliament, I ask permission to put in these declarations, which are all taken from the official records. If that is permissable, it will save a great deal of the time of the House.

Mr. LAURIER. Follow the rule.

Sir ADOLPHE CARON. Then I shall read the declaration of the hon. First Minister (Sir Mackenzie Bowell) to the Senate. He said:

In reply to the hon. leader of the Opposition I am prepared to state the decision at which the Government has arrived on the Manitoba school question. I desire to state that the Government has had under consideration the reply of the Manitoba legislature to the remedial order of the 21st March, 1895, and after careful deliberation has arrived at the following conclusion:—

Though there may be a difference of opinion as to the exact meaning of the reply in question, the Government believes that it may be interpreted as holding out some hope of an amicable settlement of the Manitoba school question on the basis of possible action by the Manitoba government and legislature, and the Dominion Government is most unwilling to take any action which can be interpreted as forestalling or precluding such a desirable consummation.

The Government has also considered the difficulties to be met with in preparing and perfecting

legislation on so important and intricate a question during the last hours of the session.

The Government has, therefore, decided not to ask Parliament to deal with remedial legislation during the present session. A communication will be sent immediately to the Manitoba government on the subject with a view to ascertaining whether that government is disposed to make a settlement of the question which will be reasonably satisfactory to the minority of that province, without making it necessary to call into requisition the powers of the Dominion Parliament.

A session of the present Parliament will be called together to meet not later than the first Thursday of January next. If at that time the Manitoba government fails to make a satisfactory arrangement to remedy the grievance of the minority, the Dominion Government will be prepared, at the next session of Parliament, to be called as above stated, to introduce and press to a conclusion such legislation as will afford an adequate measure of relief to the said minority based upon the lines of the judgment of the Privy Council and the remedial order of the 21st of March, 1895.

This is clear and sufficiently distinct, indicating the policy of the Government upon this very important and intricate question. It must be for Parliament and people of the Dominion to say whether they approve of this policy or not.

The declaration of Mr. Foster is identical in language and is to be found in the "Hansard" of 8th July, 1895.

Now, on the 11th July, 1895, the hon. Minister of Finance (Mr. Foster) spoke as follows regarding the resignation of the Ministry :—

I am glad that my hon. friend shows such skill in reading political weather predictions, if I may so denominate them. I have but very few remarks to make in reply to the question which has been put by my hon. friend on previous occasions, and repeated to-day. Some differences arose between members of the Cabinet with reference to the question of remedial legislation. The statement which I made the other day to the House gave the position of the Government on that matter. The differences in the Cabinet arose chiefly on two lines. Some of our colleagues were of the opinion that it was useless, and consequently unnecessary, to prolong negotiation or to enter into further negotiations with the Manitoba government with a view to the settlement by that government of the question—by that government themselves with the powers that they have. The other question of difference arose consequentially from that. They believed that remedial legislation should be introduced at once, starting from the premise that there was nothing to be hoped for from the action of the Manitoba government and legislature itself. I need not reiterate the position of the Government. That was shown in the statement I made the other day in this House. Both these positions were taken in that statement. The one that we would yet grant to Manitoba a certain amount of time, in the hope that negotiations would be entered into and an amicable settlement of this question arrived at. The other was, that in so intricate and important a question, the greatest deliberation was necessary in the perfecting of legislation in the matter, and that no remedial legislation should be introduced this session. These differences of opinion were canvassed by the different members of the Government. I regret to say that one of our colleagues, who has not a seat in this House, finds it impossible to accede to the view of the majority of the Government. He still holds very firmly and strongly to his view that remedial legislation should be undertaken and pressed to a conclusion at once ; and as he finds it impossible to accede to the view of the majority in that respect, his resignation has not only been sent in but accepted, and he is now no longer a member of this Government, I regret to say. With reference to our two colleagues from the province of Quebec, who have seats in this House, I must say that they showed a disposition to canvass and discuss and look thoroughly into the grounds of difference between their own views and the views of the majority of their colleagues, as expressed in the statement I made the other day to this House, and in the end these differences proved to be rather a misunderstanding as to details than a real divergence of opinion as regards the principles that were involved. At the most it was simply a question of disagreement as to detail. As to the question of principle that remedial legislation was necessary and that it would be introduced by this Government at the next session of Parliament, to be called before the 3rd of January, in the event of the province of Manitoba not making a reasonable and satisfactory settlement of the question—with reference to that matter, I say it was a matter of divergence upon details and not upon principles. On the principle all were agreed, all members of the Cabinet stood side by side with my two hon. friends upon my left, and my hon. friends have been enabled —and wisely and patriotically, I believe, acted in that line—to see that it was a misunderstanding or a disagreement simply upon details, and they have been able to come to the conclusion that in the statement which was made on Monday last by me, the remedial legislation was actually and positively promised, and that there is no intention at all of going one single jot outside that statement, and that our intention is to carry out in perfect good faith the statement of the Government on Monday last. Having come to that conclusion, my two hon. friends, the Postmaster General and the Minister of Public Works, have believed it to be their duty which they owe to their party, to their country, and to the cause which they themselves have deeply at heart, to work in harmony with their former and present colleagues, and that we should stand together and carry out the policy of the Government in this way.

I wish to refer to the declarations made by other members of the Government, when addressing public meetings in the various parts of Canada. Sir Charles Hibbert Tupper said at Sydney :

I am a Protestant and firmly cling to my faith, but I desire justice, fair play, and constitutional treatment for all. We must abide by our parliamentary compact, and I am ready to sacrifice my political career, if that be the price for doing that justice to the Catholic minority which I would fight to obtain for the Protestant minority under similar circumstances.

Mr. Haggart, at Smith's Falls, stated also :

The question may be settled, as I think it will be, by the people of Manitoba, but the possibilities are that it may have to be settled by the Dominion Government. We will settle it, as the hon. Finance Minister said it is our duty to do, and as the law and constitution require us to do.

Our policy with regard to the question has been fairly and squarely stated by the Finance Minister. The policy of the Government as to that has been stated by him in the House of Commons, and on this question there has been no discussion in the Cabinet.

And Mr. Foster, at Smith's Falls, said :

I tell you plainly that on the broad principle of it, I am in favour of public schools. I am not in favour so much of separate schools, but I stand here, not as a private citizen, but as a member of this Government and as a public man, not free to carry my personal likes or dislikes into the settlement of a question which is lodged in the very kernel of the constitution which I am sworn to settle according to my belief as to how the constitution meant it. That is my position ; look at it fairly and squarely.

I am sorry, from the fact that the rules of the House require it, that I have had to read in extenso, these declarations, as I wish them to appear in "Hansard." This is the position of the Conservative party ; this is the position which has been taken and consistently followed by the Government and which has resulted in the present session being called for the purpose of carrying out the promise made that this question should be settled. But I wish to ask hon. gentlemen on both sides of the House, and I wish to ask the people of the country, whether the attitude of hon. gentlemen sitting to your left, Mr. Speaker, has been equally consistent and whether it has not at different periods and in different places varied very considerably. I quote now from "Hansard" of 1893, page 1882, where Mr. Laurier is reported as follows :--

The question after all is a simple one. In 1890 the legislature of Manitoba passed a law which the Roman Catholic minority deemed oppressive; that minority appealed to the Government against that law ; this prayer has to be denied or has to be granted ; this is the simple issue.

At page 1982 of the "Hansard" of 1893, Mr. Laurier says :

The question is a difficult one—I admit that it is surrounded with difficulties—because it is surrounded with passions, passions religious and national.

And again at page 2004 of the "Hansard" of 1893 :

I blame the Government even now for not having done sooner——

Just fancy, Mr. Speaker, in 1893, the hon. gentleman found that we were not moving fast enough, and to-day he is proposing that we should put off for six months longer the settlement of this vexed and irritating question :

—I blame them for those long delays * * * after procrastination, after long delays, shifting of expedients, subterfuge, at last the Government will have to pronounce a decision.

Some hon. MEMBERS. Hear, hear.

Sir ADOLPHE CARON. I like to hear my hon. friend from L'Islet (Mr. Tarte) applauding "subterfuges" and "procrastinations." He also has changed his ground upon this question upon more than one occasion. Again Mr. Laurier is reported as having said, in 1894 :

The longer this question is kept before the public the worse it is for the good of Canada.

But now it is to be kept for six months more before the public "for the good of Canada."

It is a question to which there should be an immediate and speedy answer.

I am quoting the words of the hon. leader of the Opposition, although from the speech you heard from him a few days ago you would not imagine the same gentleman was speaking, seeing that he expresses such different views in such an absolutely positive manner as he did yesterday. Again I quote from Mr. Laurier's speech in the House of Commons, as given in the "Hansard" of 1895, page 4502 :

Something must be done and done at once——

Done at once, you will observe, Mr. Speaker.

——because this policy of delay, this policy of vacillation is not only paralyzing, but it is fast disintegrating national life ; I say because it is arraying creed against creed, race against race, something must be done and done at once.

Well, if in 1895 it was arraying creed against creed and race against race, is it wise to continue such a state of affairs ? The proposition of the Government is to adopt a measure which, according to my judgment is a fair measure and one that is acceptable to the minority.

An hon. MEMBER. Not at all.

Sir ADOLPHE CARON. I do not presume that my statement settles the question between us, but I venture the statement that this Bill is satisfactory to the minority. In Toronto, on 5th February, 1895, Mr. Laurier said, as reported by the "Globe :"

The question is a legal one that is before the Government to answer to-day.

In those times it was always "to-day" with the hon. gentleman ; to-morrow would be too late. In 1895 the question had to be settled immediately, as it was arraying race against race and creed against creed. But now the hon. gentleman thinks that this arraying of race against race and creed against creed should continue for six months longer :

I do not desire at the present time to say anything to make their position more difficult than it is. It is a difficult question.

The hon. gentleman always displays a great deal of kindness when he finds the Government in a difficulty :

For my part, I must tell you frankly that I see in the question but a question of fact. I never saw any question of law or interpretation of the constitution. I think it was a question of fact and nothing else.

Again :

This is not a political question at the present time * * * To-day it is purely a judicial question.

Well, we took that view of the matter, that it is a purely judicial question, and for that reason we followed the course that was pointed out to us by the Hon. Edward Blake and the leader of the Opposition in transferring the question to the tribunals which should decide it. Mr. Laurier, speaking at Morrisburg, 8th October, 1895, the "Globe" report again—it will be seen that there is a great change in the hon. gentleman's views—said :

The first thing they must do is to investigate this question. Let the Government do this and appoint a commission and I will support them.

What has become of the commission ? It is no longer spoken of. The policy of the leader of the Opposition to-day is simply to turn the Bill out of the House—no investigation, nothing but simply give the Bill the six months' hoist. Mr. Laurier at Prescott, 9th October, 1895, "Globe" report, said :

He asked his fellow-countrymen to divest themselves for the moment of party and religious differences, and appealed to them if they did not think that the better way of dealing with this question was by such an investigation upon the result of which the Government could act.

Here again we see the change that has taken place. Then there was a possibility of a commission ; to-day there is no possibility of anything at all. The hon. gentleman will not even admit the principle of the Bill, but as the leader of the Opposition, moves the six months' hoist. Mr. Laurier in the House of Commons on the 19th of April, 1895, said, as reported in "Hansard," page 38 :

The Order in Council is termed a decision. I do not understand that term exactly. As I read it, and I read it pretty carefully, it cannot be called a decision, it is simply an invitation—

That is not very drastic—simply an invitation.

—to the government of Manitoba to deal with that question, and to leave them to apply the remedy to the evil which had been created by their own legislation—an invitation, I say, though I am sorry to say, couched in most unfortunate language.

Mr. Laurier in the House of Commons on 15th July, 1895, said :

We had an order passed by the Government commanding the province of Manitoba to restore the schools of the minority, commanding it to do so under the threat that if it failed to obey this Parliament would force schools upon them.

I do not see, Mr. Speaker, how the remedial order can be looked upon in the light of a threat. The remedial order is based, upon the judgment of the Privy Council, and the phraseology used in that order is the phraseology which is proper for an Order in Council based upon a judgment.

The course taken by the Government was to prepare a drastic Order in Council calling upon the Manitoba government to restore the separate schools, or failing it, they would do it by the supreme authority of Parliament. Could a more imprudent course ever be taken ?

Now, again, on page 38 of the "Hansard," the hon. leader of the Opposition says :

If there is such an outrageous state of things prevailing in Manitoba, not a moment is to be lost in coming to the rescue of the oppressed minority.

That was in 1893. The hon. gentleman said then there was not a moment to be lost in coming to the rescue of the oppressed in Manitoba, if they were placed in such a position as that. But since then he has changed his views completely, as I have shown by these quotations. At Morrisburg again the hon. gentleman says, quoting from the "Globe" report :

Those facts are clear to you, and to all who believe in a system of separate schools.

Again, in the same place :

The question cannot be settled until there has been such an investigation. * * * * If I were in power, and if I had the responsibility, I would try the sunny way, I would approach this man Greenway with the sunny way of patriotism.

These are very charming expressions, but I am afraid that when the hon. gentleman came to put the sunny way into practice he would find that it would not go very far. I think it would be necessary to use other means, although the one suggested by the leader of the Opposition may be much more agreeable. Now, Sir, I quote the "Cultivateur," a paper published by the hon. member for L'Islet (Mr. Tarte).

An hon. MEMBER. A fine paper, too.

Sir ADOLPHE CARON. I know the proprietor is a very fine writer. I will read some quotations from that paper giving the writer's views of the hon. gentleman's speech at Chicoutimi :

Mr. Laurier reiterated amidst indescribable enthusiasm his solemn engagement to re-establish the Catholic schools on his arrival in power.

That will take more than six months, to which date he wishes to hoist this Bill. If the hon. gentleman is going to keep the minority waiting for ever, I am sure he is not treating that minority as I think they are entitled to be treated. Now, here is what the hon. gentleman said at Sorel, in August, 1895, according to the "Globe" report :

He knew those Conservative papers well. They would be delighted, it would seem, if he said a word about separate schools.

From that quotation it would appear that the hon. gentleman never uttered a word

at all about the school question. Still, I have been quoting extensively the different views which he expressed at various times and at various places :

In Quebec those pious Conservative newspapers were Catholics ; in Ontario they were Protestants. In Quebec the saintly "Minerve," Sir Adolphe Caron, Mr. Ouimet and the Ultramontanes, were listening to him with clubs in their hands, ready to down him if he said a single word about the school question, and in Ontario, Mr. Clarke Wallace, Sir Mackenzie Bowell and the Tory and Orange papers, were watching him with another club ready to strike him if he dared to say a word on the same question.

Well, between those two clubs the hon. gentleman has been obliged, evidently, to make many different statements upon this question which is now before Parliament. In August, 1895, the hon. gentleman said at Sorel, according to the "Globe" report :

Now, he had expressed his views on the school question on many occasions and in many parts of the Dominion. He had said over and over again, that it was a question of fact, and that the Federal Government had a right to interfere, but it had never yea interfered. It had shuffled——

You can see, Mr. Speaker, when he was speaking in Sorel, where he was not threatened by the club of Clarke Wallace, he again complains of delay. He says :

It had shuffled and dallied with the question all along.

Then Mr. Pacaud's paper, the "L'Electeur," interprets Mr. Laurier's speech made in the House of Commons in April, 1895, as follows :—

Mr. Laurier has pronounced himself boldly for the re-establishment of separate schools in Manitoba.

"Boldly," the word is very appropriate, considering the motion that has been presented to the House. There is a great deal of boldness in kicking out a Bill which is intended to settle the separate school question. But at Sorel, the hon. leader of the Opposition pronounced himself boldly for the re-establishment of separate schools in Manitoba, and vigorously reproached the Government for not having interfered more promptly. But how can he, at Sorel, attack the Government for not interfering more promptly, when he wants now to prevent the Government from interfering for six months longer ? I do not see how the hon. gentleman can reconcile these contradictory statements. The Winnipeg "Tribune" interpreted the speech of the leader of the Opposition made in the House of Commons on April 19, 1895, as follows :—

Mr. Laurier's declaration in Parliament on Monday is that if called upon to deal with the vexed question, he will stand upon the broad principle of provincial rights——

Another new idea.

—and decline to interfere with the province, beyond making a request for the fairest treatment of the minority under the circumstances. We are sure Mr. Laurier does not believe in separate schools.

I am beginning to believe it myself, Mr. Speaker, from the conduct the hon. gentleman has followed in relation to this question.

He is too advanced and liberal a thinker to endorse them.

So that from his liberality, and his being a great thinker, the minority would never have a chance of seeing this vexed question settled by my hon. friend the leader of the Opposition. Now, Sir, I have heard it stated as an excuse why separate schools in Manitoba were objected to by some people, and even by some hon. gentlemen in this House, that education in the province of Quebec is not equal to education in other portions of the Dominion. Well, Sir, I think I can speak upon that question, coming from the province of Quebec. I think it is possible to show beyond a doubt from the history of that province that the system of education which has turned out some of the most eminent men in church and state, must be equal to the education which is to be found in other portions of the Dominion. But I will take, on this point, a witness that cannot be questioned, I will take the evidence of the daily "Sun," of St. John, N.B., whose editor visited the Columbian Exposition held in Chicago. The gentleman who wrote that article, I have been able to ascertain, is a man well versed in educational matters, and well able to judge whereof he speaks. He quotes page 33 of the report of the provincial secretary on the Columbian Exhibition, and this is what he says :

In drawing, writing, models for teaching the blind, education of deaf mutes, and in fact generally all that tends to the advancement of a country and a people in an educational point of view, Quebec schools are in the front rank.

I am satisfied with that evidence, given by one who is foreign to our province, and I place it against the statements made by hon. gentlemen belonging to that province who attack the educational institutions which we possess there.

I have one more branch of the subject to treat, and I will treat it briefly.

An hon. MEMBER. Hear, hear.

Sir ADOLPHE CARON. I can sympathize with the hon. gentleman ; I am quite certain I have been too long already, but I promise not to do it again. The leader of the Opposition the other day in one of his most eloquent and brilliant strains, made a speech which was certainly very interesting, interesting from the fact that it treated of various questions, and spoke a little of the school question. But I want in the most friendly way to criticise some of the remarks made by the hon. gentleman on that occasion. The hon. gentleman commenced his speech by appealing to Canadians in the

name of the constitution and of the minority, not to go beyond this with the Bill before the House. The constitution and the interests of the minority constitute the very reasons which have impelled the Government to bring down this legislation. So upon that ground it is quite impossible for us to agree. But the hon. gentleman said we were compelled to bring down the measure. The Secretary of State, he said, "was brought back to Canada to force the Bill down the throats of Canadians." Well, Sir, the hon. gentleman is so anxious to have a hit at the Secretary of State that he and his friends hit wildly in place and out of place. The leader of the Opposition knows well that long before the Secretary of State came from England the policy of the Government on the school question had been definitely settled; and it was because the hon. gentleman viewed that question in accordance with the settled policy, as enunciated by the leader of the Government and by the then leader of this House, that he accepted a seat in the Government whose fixed policy was to bring remedial legislation before Parliament and to stake its existence as a government on the settlement of that question.

Sir CHARLES TUPPER. Hear, hear.

Sir ADOLPHE CARON. The hon. gentleman, as he and hon. gentlemen opposite have acted in all debates in which they have taken part, gave a painful description, which no doubt will be circulated abroad, of the strife, trouble and dissention which exist in Canada. I am not aware of all this strife, trouble and dissention. The little trouble which exists at the present moment in Manitoba is exactly what we are trying to settle and remove from the national life of Canada, and we wish to remove it from the national life of Canada because we desire to bring out to our vast prairies and to the great province of British Columbia the surplus population of the old country. By what means can you induce the surplus population to come and settle in a country when it is divided by religious and sectional strife and dissention? Let me say to the hon. gentleman that as a Canadian I feel that to call special attention to trouble, dissension and strife as existing, is hurtful to the interests of this Dominion, and I deeply regret it. But if it does exist, it may be due to the fact that the hon. gentleman and his friends have been preaching it so long that outside people have begun to believe it exists in Canada.

"In 1870, by the power vested in it," the hon. gentleman (Mr. Laurier) said, "the Manitoba legislature abolished separate schools." As I understand the Barrett case, and I speak after having studied it, and I believe I understand it, it was decided by the court that the legislature of Manitoba had the right to pass a law changing their system of schools. In the Brophy case it was decided by the Privy Council that rights had been taken away from the minority, and that this minority had the right under the constitution to call upon the Federal Government to restore those rights, to appeal to the Governor General in Council to apply a remedy as regards the removal of those rights. The hon. gentleman said "in 1890,"—and he made quite a point of these words, and hon. gentlemen opposite evidently thought that it was a strong point, for they applauded very much—"four Acts came before the Government; one, to abolish the French language; two, respecting the quarantine of cattle; three, with respect to joint stock companies; four, the School Act," and, he continued, "of all those Bills the only one that was not vetoed by the Government was the School Act."

Mr. LANGELIER. There were two.

Sir ADOLPHE CARON. Yes, there were two, the other being that to abolish the French language. Does the hon. gentleman not see any distinction between a cattle quarantine Bill and a Bill affecting the rights of the minority of Manitoba? Mr. Blake framed a resolution for the purpose of removing from the political arena a question that he supposed and we supposed was going to prove an irritating one to the people of Canada, and this resolution was unanimously adopted by this House. Does not the hon. leader of the Opposition see a difference between that resolution and a cattle quarantine Bill? The reason why the School Bill was not vetoed was because, acting upon the resolution proposed by Mr. Blake and adopted by this House unanimously as regards this question, we appealed to the legal tribunals instead of vetoing the Bill, and I think we were right in doing so. The hon. gentleman made another point about evidence not having been submitted, and he referred to affidavits which were published in the blue-books, and which were withdrawn when the argument was made before the Privy Council. Well, Sir, Mr. Ewart did not rest his case upon these affidavits. He rested his case upon the facts, as explained in the petitions of the minority. He rested his case upon the judgment of the Privy Council, and the reason why these affidavits were put in the blue-book after being withdrawn is simply because we thought the record would not be complete without them. We thought it was due to Parliament that we should show Parliament all the proceedings which had taken place before the committee of the Canadian Privy Council, sitting as a judicial tribunal, and these affidavits were published so as to make the record absolutely complete. The hon. gentleman (Mr. Laurier) wishes to investigate, first, if schools had been promised the Catholic minority; second, if the existing schools are against the conscience of the minority, and, third, if they are Protestant schools. Well, Sir, as to separate

schools being promised, he has the statements of Mgr. Taché and of Sir Donald Smith upon that point. As to the existing schools being against the conscience of the people, it seems to me that the investigation would not need to be very long. What stronger evidence can there be that the present Manitoba schools are Protestant than is to be found in the fact that when it was proposed to secularize these schools, every clergyman belonging to the Protestant Church protested against religious teaching being abandoned in them. Now, the hon. gentleman (Mr. Laurier) also made the statement that Sir Donald Smith had been sent to Manitoba by this Government. Sir, I wish to meet that statement simply by denial. Sir Donald Smith himself has already denied it. As a member of the Government, I can say, as far as my own personal knowledge goes, and as well as the knowledge I have been able to get from my colleagues, none of us knew he was going on any particular mission to Manitoba. I do not even know now that he was on such a mission, although, from his close connection with Manitoba and the North-west, it would not be surprising to me if the hon. gentleman (Sir Donald Smith) had frequent interviews with Mr. Greenway and others up there. I can understand, Sir, the proposal for a commission to investigate made by the leader of the Opposition some time ago, I could understand the proposition from the hon. member for L'Islet (Mr. Tarte) to have a committee of the House to investigate, because those two propositions admit the principle of the Bill; but when a gentleman of the vast parliamentary experience of the leader of the Opposition moves the six months' hoist, he cannot deny that it is the strongest possible negative that could be given to any measure. I wish to say one word, Mr. Speaker, about what, according to my view, was a painful reference made by the hon. gentleman (Mr. Laurier) to what he called a threat of the church, or of a member of the church. Sir, if the threat was not more definite than the explanation of it given by the hon. gentleman (Mr. Laurier), I am sure it was not a very serious threat. But, Sir, it is not usual for members of the Catholic clergy to threaten anybody. The hon. gentleman himself admits that clergymen, as citizens, have a right to hold the strongest possible views on political and public matters. The hon. gentleman (Mr. Laurier) admits that members of the clergy can carry out these views to the extent of voting for or against principles which are contrary to theirs. Well, if the hon. gentleman (Mr. Laurier) goes that far, he must agree that members of the clergy have a right to tell a person or a party: If you entertain such views, I cannot endorse them, and I am prepared to vote against them. That is the right of the clergy, and, Mr. Speaker, why should it not be? Are not the clergy of Canada a national clergy? Are not the clergy of Canada composed of the sons of the men and women of Canada? Have not our clergy the same training as those who have not adopted as perfect a life as they have chosen to select? And, Sir, under their monastic gowns, do not their hearts beat as warmly for Canada as do the hearts of the laymen? May I be permitted, Sir, to mention an instance? My only brother, a Redemptorist, is labouring in St. Thomas, West India Islands, among the blacks, and in July last I received a letter from him, in which he told me that he had just completed a new home for his co-workers in that island, and he wrote to me: If it is not too much trouble or too much expense, would you send out to me a Canadian flag, because on our holidays and on the days when we rejoice, I should like to see the flag of Canada floating above the home of the Redemptorist Fathers here. And, Sir, I have a sister who is a nun in Durban, Natal, and when she writes home she is as anxious to know about how Canada is getting on as she is anxious to know about the interests of her own family. Of such are the clergy of Canada and the religious orders of Canada, composed. Sir, we are proud of our clergy. We are proud to follow them. Read the history of Canada from beginning to end. Point out to me a critical period in the history of our country during which the clergymen of Canada did not lead the people, loyal always because they were led by the clergy, loyal to the country and loyal to the Crown. In 1812, when our people were under the sorest temptation to give up their allegiance to England, because of the promises held out by the Americans, what course did the clergy of Canada take? Even in that period of 1837, when the sentiments of the French race were more moved than at any other period, when some of our own people were fighting for constitutional rights, but ignored the constitutional way in which those rights should have been vindicated, what course did the clergy of Canada take? Did not we then see the archbishops and the bishops publishing mandaments all through the country telling the people that their duty was to remain true to the Crown, and to respect the constituted authority. Why should we not follow such a lead? Sir, I do not wish to be misunderstood, and I am not insinuating that the hon. gentleman, the leader of the Opposition, attacked the clergy; but carried away in the discussion, the hon. the leader of the Opposition said that he had been attacked by the clergy. My contention, Sir, is that it is not the habit of our clergy to threaten. I know not what the threat to which the hon. gentleman refers was? If he referred to the letters which have been published in the newspapers, I do not see how that could be construed into a threat. I speak here in the presence of men from the province of Ontario, whom I have known when I was

engaged in campaigns under the leadership of the great old leader of the Conservative party, Sir John A. Macdonald, and under the leadership of that other great man whose loss we deplore, Sir John Thompson. I know that my fellow-countrymen from Ontario are fair-minded men, and I have always been treated by them as a brother and a friend. I know that these gentleman cannot be led to believe that the French-Canadian Catholics or the French-Canadian clergy are not true and loyal to the Crown of England and to the flag of Canada. I can speak for them, because I have had every possible opportunity of studying their past history and the history of their present movements, and I am unable to find an instance in which it can be

stated that the clergy of Canada have been disloyal. I ask again, where did the threat come from? It was painful to me to hear the hon. gentleman make the remark he did.

Now, Mr. Speaker, let me apologize for having kept the House so long. But before I sit down, I must mention a piece of badinage which was communicated to me to-day. It was said that the hon. member for North Simcoe (Mr. McCarthy) was complaining sadly of the hon. leader of the Opposition. In sadness and grief, he said: The leader of the Opposition has taken everything away from me; he has taken my motion away, and now he is taking from me my position as the leader of the strong Protestant element of Ontario.